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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,341	10/29/2001	William L. Putnam	PA2025US	2405

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EXAMINER

HOSSAIN, TANIM M

ART UNIT	PAPER NUMBER
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2145

DATE MAILED: 12/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/046,341	Applicant(s) PUTNAM ET AL.	
	Examiner Tanim Hossain	Art Unit 2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 22, and 26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In claims 1, 22, and 26, the teaching that “the media content does not include a unique identifier that is derived from, inserted, or embedded in the media content” is not enabled. The Applicant’s specification in paragraphs 0055 and 0056 discuss the use of side-chain data, and metadata, which constitutes unique identifiers that are derived from, or inserted into the media content. Paragraph 0071 discusses the insertion of a signal, which constitutes the embedding of a unique identifier into the content. As such, the claimed limitation is not enabled by the specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates (U.S. 6,748,237) in view of Wang (U.S. 2004/0199387).

As per claim 1, Bates teaches a method for a media agent to monitor multiple broadcast transmissions, each broadcast transmission containing media content, comprising: identifying the broadcast transmission to be monitored (abstract; column 5, lines 40-51); establishing connections with the identified broadcast transmissions (abstract; column 5, lines 40-51); identifying, for each connected broadcast transmission, at least one characteristic of the media content associated with the connected broadcast transmission (column 6, lines 27-41; column 7, lines 1-60); and maintaining the association between the identified at least one characteristic of the media content and the connected broadcast transmission (7; 1-60). Bates does not specifically teach the identification of one characteristic of the media content through a pattern recognition scheme. Wang teaches the recognition of songs and song types through a pattern recognition scheme, such that radio listeners would be able to identify songs (abstract; paragraph 0063). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the ability to identify songs and genres through a statistical pattern recognition scheme, as taught by Wang in the system of Bates. The motivation for doing so lies in the fact that the Bates invention desires to solve the problem of identifying and obtaining songs during a broadcast through recognition schemes, and Wang introduces another method through which this identification is possible, both to achieve the aim of allowing a user to find desired music. Both

inventions are from the same field of endeavor, namely a facilitated method to procure music heard during a broadcast.

As per claim 2, Bates-Wang further teaches that the broadcast transmissions are composed of streaming audio data (Bates: abstract).

As per claim 3, Bates-Wang further teaches that the broadcast transmissions are transmitted over the Internet (Wang: 0020).

As per claim 4, Bates-Wang further teaches that the statistical pattern recognition scheme is accomplished through an historical analysis of the media content associated with the connected broadcast transmission (Bates: column 7, lines 1-60).

As per claim 5, Bates-Wang further teaches that the pattern recognition scheme examines the audio portion of the media content (Wang: 0063).

As per claim 6, Bates-Wang further teaches that the step of identifying the at least one characteristic of the media content associated with each connected broadcast transmission is accomplished with metadata (Bates: 7; 1-60).

As per claim 7, Bates-Wang further teaches terminating the connection to the identified broadcast transmissions after the step of identifying the at least one characteristic of the media content is complete; and wherein the step of establishing connections with the identified broadcast transmissions is not performed simultaneously for all broadcast transmissions (Bates: 5; 40-51, 6; 27-41).

As per claim 8, Bates-Wang further teaches reestablishing, when a transition in media content is expected, connections to the identified broadcast transmissions whose connections were terminated (Bates: 7; 1-60).

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As per claim 9, Bates-Wang further teaches that the expected transition in media content is based on a duration of the media content (Bates: 7; 1-60).

As per claim 10, Bates-Wang further teaches presenting the at least one characteristic of the media content to a user for each connected broadcast transmission (Bates: 5; 40-51, 6; 27-41, 7; 1-60).

As per claim 11, Bates-Wang further teaches receiving a selection of one of the at least one characteristic of the media content from among all the at least one characteristic of the media contents presented to the user; and causing the user to receive the broadcast transmission associated with the selected at least one characteristic of the media content (Bates: 5; 40-51, 6; 27-41, 7; 1-60).

As per claims 12-14, Bates-Wang further teaches that the at least one characteristic of the media content is a musical genre, title of a song, and name of an artist (Bates: 5; 40-51, 6; 27-41, 7; 1-60).

As per claim 15, Bates-Wang further teaches receiving preferred media content parameters from a user (Bates: 5; 40-51, 6; 27-41, 7; 1-60).

As per claim 16, Bates-Wang further teaches determining whether the at least one characteristic of the media content associated with each connected broadcast transmission is within the preferred media content parameters; and presenting a notification to the user when the at least one characteristic of the media content associated with each connected broadcast transmission is determined to be within the preferred media content parameters (Bates: 5; 40-51, 6; 27-41, 7; 1-60).

As per claims 17 and 18, Bates-Wang further teaches determining whether the at least one characteristic of the media content associated with each connected broadcast

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transmission is within the preferred media content parameters; causing the user to receive the broadcast transmission associated with the certain type of characteristic when the at least one characteristic of the media content associated with each connected broadcast transmission is determined to be with the preferred media content parameters (Bates: 5; 40-51, 6; 27-41, 7; 1-60); and recording the broadcast transmission associated with the certain type of characteristic when the at least characteristic of the media content associated with each connected broadcast transmission is determined to be with the preferred media content parameters (Bates: 5; 40-51, 6; 27-41, 7; 1-60).

As per claim 19, Bates-Wang further teaches that the recording broadcast transmission is performed for the purpose of time shifting (Bates: 5; 40-51, 6; 27-41, 7; 1-60).

As per claim 20, Bates-Wang further teaches accessing a predetermined set of broadcast transmissions from an advisor database where each predetermined broadcast transmission is associated with a classification (Bates: 5; 40-51, 6; 27-41, 7; 1-60), wherein the step of identifying the broadcast transmission to be monitored is accomplished through an analysis of the classifications associated with the set of predetermined broadcast transmissions and the preferred media content parameters (Bates: 5; 40-51, 6; 27-41, 7; 1-60).

As per claim 21, Bates-Wang further teaches that the step of classifying broadcast transmissions is accomplished through a historical analysis of characteristics of media content associated with each broadcast transmission to be classified (Bates: 5; 40-51, 6; 27-41, 7; 1-60).

As per claim 22, Bates-Wang teaches a method comprising the steps of: selecting a group of broadcast transmissions to be monitored, each broadcast transmission containing media content (Bates: 5; 40-51, 6; 27-41, 7; 1-60); and repeating, for each broadcast transmissions in the group of broadcast transmissions, the steps of establishing a connection to the broadcast transmissions (Bates: 5; 40-51, 6; 27-41, 7; 1-60); and identifying characteristics of the media content contained in the connected broadcast transmissions through an analysis of the connected broadcast transmissions (Bates: 5; 40-51, 6; 27-41, 7; 1-60; Wang: 0063).

As per claim 23, Bates-Wang further teaches presenting the identified characteristics of the media contents to the user (Bates: 5; 40-51, 6; 27-41, 7; 1-60; Wang: 0063).

As per claim 24, Bates-Wang further teaches receiving from the user a selection from among the identified characteristics of the media contents presented to the user; and causing the user to receive the broadcast transmission that is associated with the selection (Bates: 5; 40-51, 6; 27-41, 7; 1-60; Wang: 0063).

As per claim 25, Bates-Wang further teaches receiving from the user a selection of preferred media content parameters; determining whether the identified characteristics of each media content is within the preferred media content parameters; and notifying the user when the identified characteristics of a media content is identified as being contained in a broadcast transmission within the group of broadcast transmissions (Bates: 9; 14-45).

As per claim 26, Bates-Wang teaches a media agent comprising: a user interface for a user to identify, either directly or indirectly, a plurality of broadcast transmissions

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(Bates: 5; 40-51, 6; 27-41, 7; 1-60; Wang: 0063); a network interface for receiving the plurality of identified broadcast transmissions from a network (Bates: 5; 40-51, 6; 27-41, 7; 1-60; Wang: 0063); a media decoder for decoding each broadcast transmission received from the network (Bates: 4; 10-24); and a monitoring module for identifying at least one characteristic of the media content of the decoded broadcast transmission through a statistical pattern recognition scheme (Wang: 0063).

As per claim 27, Bates-Wang further teaches that the user interface presents the at least one characteristic of the decoded broadcast transmission to the user (4 Bates: 5; 40-51, 6; 27-41, 7; 1-60; Wang: 0063).

As per claim 28, Bates-Wang further teaches that the monitoring module is additionally for associating the identified at least one characteristic of the media content with the broadcast transmission received from the network (Bates: 5; 40-51, 6; 27-41, 7; 1-60; Wang: 0063).

Response to Arguments

Applicant's arguments filed on August 23, 2006 have fully been considered, and are respectfully traversed by the new grounds of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanim Hossain whose telephone number is 571/272-3881. The examiner can normally be reached on 8:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571/272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tanim Hossain
Patent Examiner
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SUPERVISORY PATENT EXAMINER